

REMARKS

Claims 1, 4, 5, 7 and 9 are pending in the above-identified application. Claims 4 and 9 have been amended so as to depend solely from claim 1. Claims 8 and 10 have been cancelled.

Request for Entry of Claim Amendment

It is respectfully requested that the above-noted amendments to the claims be entered of record and fully considered by the Patent Examiner, since these amendments essentially comply with 37 CFR 1.116(b)(1)-(3). Specifically, these changes “comply with requirements of form” by removing the bases for the rejections under 35 USC 112 as noted below. These amendments also place the claims into better form for consideration on appeal, should an appeal be necessary. Finally, these amendments could not have been submitted earlier, since the rejections under 35 USC 112 were presented for the first time in the Final Office Action. Thus, it is requested that all of these amendments be entered of record.

Removal of bases for Rejections under 35 USC 112

Claims 4 and 8-10 have been rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Claims 8 and 10 have been cancelled. Claim 9 has been amended so as to depend solely from claim 1 which removes the basis for asserting that claim 9 was “indefinite” as indicated at page 2 of the Final Office Action.

Claims 4 and 8-10 have also been rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the “written description” requirement. As noted above claims 8 and 10 have been cancelled. Also, claims 4 and 9 have been amended such that both of these claims depend only from claim 1. It is submitted that the objections stated at pages 2-3 of the Final Office Action have been overcome.

In view of the above, it is submitted that the above-noted rejections under 35 USC 112 should now be withdrawn.

Removal of Bases for Rejections under 35 USC 103(a)

Claims 1, 4, 5, 7 and 9 have been rejected under 35 USC 103(a) as being unpatentable over Uchida '885 (USP 6,374,885) in view of Iwamura '537 (US 2003/0029537).

Claims 4, 9 and 10 have been rejected under 35 USC 103(a) as being unpatentable over Uchida '885 in view of JP '509 (JP Patent Application 2002-321509).

Regarding the first rejection based on Uchida '885/Iwamura '537, it is submitted that Iwamura '537 should be withdrawn as effective prior art under 35 USC 102(e)/103(a) based on the following statement: The subject matter disclosed and claimed in Iwamura '537, as well as the subject matter disclosed and claimed in the above-identified application, was subject to an obligation of assignment to Sumitomo Rubber Industries, Ltd. at the time that the invention was made. Consequently, it is submitted that Iwamura '537 has an effective prior art date under 35 USC 102/103(a) of February 13, 2003 which is later than the perfected claim to priority of the above-identified application of December 24, 2002 based on the submission of the verified English Translation of the priority document on February 2, 2006. Therefore, the basis for the first-listed rejection under 35 USC 103(a) has been removed such that this rejection should be withdrawn.

The basis for the second-listed rejection under 35 USC 103(a) which relies upon Uchida '885/JP '509 has also essentially been removed, since claim 10 has been cancelled, and both of claims 4 and 9 each depend solely from claim 1 which has not been rejected on this basis. Consequently, it is requested that this rejection be withdrawn.

Removal of Double Patenting Rejection

Claims 1, 4, 5, 7 and 9 have been rejected based on obviousness type-double patenting as being unpatentable over claims 1-10 of Iwamura '910 (USP 6,907,910) in view of Uchida '885.

Iwamura '910 was assigned to Sumitomo Rubber Industries, Ltd. submitted with this amendment is a Terminal Disclaimer over the Iwamura '910 patent. Thus, the basis for this double patenting rejection has been removed and it is requested that this rejection be withdrawn.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Fred R. Handren (Reg. No.32, 874), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  _____
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